

Press Release

Council of Europe Press Division

Ref: 907a07

Tel: +33 (0)3 88 41 25 60

Fax: +33 (0)3 88 41 39 11

pressunit@coe.int

internet: www.coe.int/press



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Turkey: failure to reopen criminal proceedings due to obstacles in law

Strasbourg, 12.12.2007 – In an Interim Resolution adopted during its recent special meeting devoted to the execution of the judgments of the European Court of Human Rights (3-5 December 2007), the Committee of Ministers of the Council of Europe once again strongly urged Turkey to remove the obstacles to the reopening of certain criminal proceedings so as to allow redress for the violations of the right to a fair trial found by the European Court of Human Rights in the case of Hülki Güneş.

This is the third Interim Resolution adopted by the Committee of Ministers since the Court's judgment became final in September 2003. The Court found several violations of the right to a fair trial in the criminal proceedings which resulted in the applicant's conviction to life imprisonment.

The Committee of Ministers deeply deplored that no measures have yet been taken by the Turkish authorities to grant the applicant adequate redress for the violations found.

Due to temporal restrictions in Turkish law, domestic criminal proceedings found to be unfair by the European Court, can still not be reopened in cases that were pending before the European Court on 4 February 2003.

[Full text of the Interim Resolution CM/ResDH\(2007\)150](#)

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Under the European Convention on Human Rights, the European Court's judgments require the adoption by the respondent states, under the Committee of Ministers' supervision, of all measures necessary to grant the applicants appropriate redress and to prevent new similar violations in future (www.coe.int/T/E/Human_Rights/execution).

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